



Town Council Agenda Report

SUBJECT: Resolution

CONTACT PERSON/NUMBER: Bette Stark, 797-1089

TITLE OF AGENDA ITEM: A Resolution of the Town of Davie, Florida, authorizing the Town of Davie to enter into an agreement with SwimAmerica, Inc. from April 1, 2000 to December 30, 2000 for the SwimAmerica, Inc. Swim Team at the Pine Island Park Pool.

REPORT IN BRIEF: The Swim Team members with SwimAmerica, Inc. have requested to use the Pine Island Park Pool for swim team practices and swim meets. The SwimAmerica, Inc. Swim Team is a nationally recognized team that is registered with the U.S. Swimming Association and competes in meets at various aquatic facilities throughout south Florida. By allowing SwimAmerica, Inc. to provide this recreational activity, the Town does not have to budget additional funds for swim coaches, uniforms, swim meet expenses and associated team cost involved in such a competitive program.

The SwimAmerica, Inc. Swim Team members will either pay the Pine Island Pool family membership (resident or non-resident) fees or the daily pool admission fee (residents or non-residents) during normal operating pool hours. All parents of swim team members willing pay the required pool memberships or daily admission fees. SwimAmerica, Inc. will pay lane rental fees, lifeguard service fees, and racing lane change fees during non-operational pool hours. .

PREVIOUS ACTIONS: This will be the second year that this agreement will be in effect for the SwimAmerica, Inc. Swim Team, which was adopted by Resolution 98-377 on 12/16/98.

CONCURRENCES: Resolution 98-377, 12/16/98

FISCAL IMPACT:

Has request been budgeted? N/A

RECOMMENDATION(S): Motion to approve resolution.

Attachment(s): Resolution & Pine Island Park Pool Rental Agreement (Exhibit "A")

RESOLUTION_____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SWIMAMERICA, INC., FROM APRIL 1, 2000 TO DECEMBER 30, 2000 FOR THE SWIMAMERICA, INC. SWIM TEAM AT THE PINE ISLAND PARK POOL.

WHEREAS, Swim Team members with SwimAmerica, Inc. wish to utilize the Pine Island Park Pool for swim team practices and meets; and

WHEREAS, SwimAmerica, Inc. Swim Team members will agree to pay the Pine Island Park Pool family membership fees or the daily pool admission fees during normal pool operating hours according to the Parks and Recreation Department's fee schedule adopted by Town Council Resolution R 95-219; and

WHEREAS, SwimAmerica, Inc. will agree to pay the lane rental fees, additional lifeguard service fees, and racing lane change fees during non-operating pool hours; and

WHEREAS, the pool shall remain open to the public during normal hours of operation; and

WHEREAS, after review, the Town Council wishes to authorize the Mayor to execute the agreement with SwimAmerica, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby authorizes the Mayor to execute the agreement with SwimAmerica, Inc., as attached hereto as Exhibit "A"

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

**PINE ISLAND POOL RENTAL AGREEMENT
INDEMNIFICATION AND HOLD HARMLESS STATEMENT**

This agreement entered into this 5th day of April, 2000 between Swim American, Inc. hereinafter referred to as "party of the first part", and the TOWN OF DAVIE, a municipal corporation in Broward County, Florida, hereinafter referred to as "party of the second part". Said facilities are to be used for the purpose of swim teams and for no other purpose whatsoever without the consent of the Town endorsed on this agreement, to commence the 1st day of April, 2000 and ending on the 30th day of December, 2000.

WHEREAS, party of the second part is agreeable to providing said facility, however, has required party of the first part to enter into this Hold Harmless and Indemnification Agreement to protect party of the second part against any and all claims from third persons resulting from the use by party of the first part of the facility.

NOW, THEREFORE, in consideration of the covenants and promises herein provided and for other good and valuable consideration, party of the first part does hereby indemnify and hold harmless party of the second part and its agents, officers, officials and employees from and against all claims, damages, losses and expenses including reasonable attorney's fees in case it shall be necessary to defend any action arising from the use by party of the first part of the facility including, but not limited to, claims for bodily injury, illness, death or property damage. The indemnification provided for herein shall include acts of negligence and gross negligence on the part of the Town of Davie.


NO alcoholic beverages can be allowed on Town Property without a permit from the Davie Town Council.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the day and year first above written.


SwimAmerica, Inc.
as to the party of the first part

ADDRESS 2101 North Andrews Ave., Ste. 107
 Ft. Lauderdale, FL 33311

TOWN OF DAVIE PARKS & RECREATION DEPT.
6901 Orange Drive
Davie, FL 33314


SIGNATURE

PHONE 1-800-356-2722
LS63514-SS 2847 FL Driver Lic.#


Town of Davie Official Signature

RENTAL REQUIREMENTS

May 1-May 12, Monday, Wednesday & Friday 5:30 a.m. to 7:00 a.m.

Pool rental \$90.00 (6 days X \$15) and lifeguard fee \$90.00

May 15-June 2, Monday - Friday 5:30 a.m. - 7:30 a.m.

Pool rental \$225 (15 days X \$15) and lifeguard fee \$225

June 5-August 4, Monday - Friday 6:00 a.m. - 8:00 a.m.

Pool rental \$900 (45 days X \$20) and lifeguard fee \$900

April 1-December 30, Monday - Friday 5:00 p.m. - 6:30 p.m.

No pool rental and no lifeguard fee

Swim Team members fee based on membership requirements with the Town.

Additional pool rental and lifeguard rental fee for opening the pool when not normally open to the public. There is a \$10 additional fee assessed for changing the pool lanes from short course to long course. Total pool rental is \$1,215 and lifeguard fee is (based on \$10 per hour) \$1,215, for a total cost of \$2,430.

TOTAL DUE \$2430

Revised 3/16/00